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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,911	09/26/2005	Holger Janssen	10191/3960	2983
26646	7590	11/02/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER NGUYEN, CHUONG P	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 11/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,911

Applicant(s)

JANSSEN, HOLGER

Examiner

Chuong Nguyen

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18,19,21-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18,19,21-25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicants' 08/20/2007 Amendment, which directly amended claim 18; canceled claims 20, 26, 28-34; and traversed the rejection of the claims of the 05/16/2007 Office Action are acknowledged.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

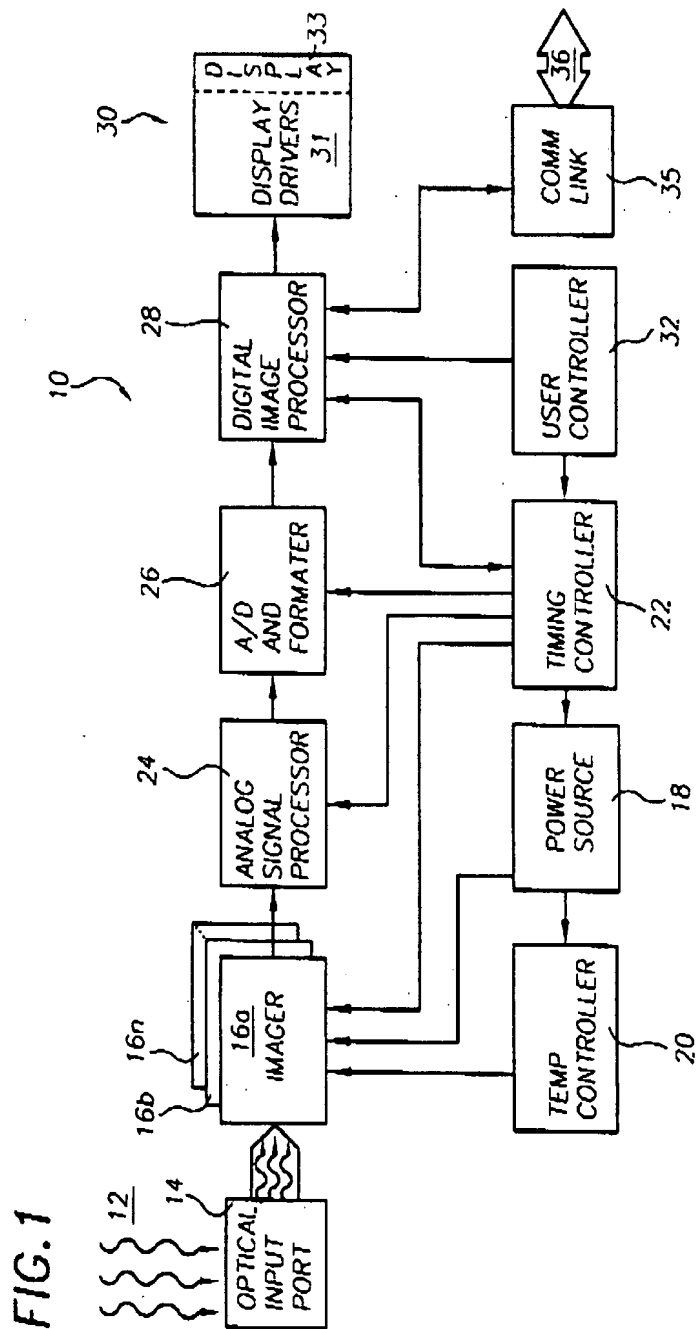
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18, 19, 21-25, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Savoye et al (5,880,777).

Regarding claim 18, Savoye et al disclose in Fig 1 a device (i.e. imaging system 10) for controlling at least one system component of an information system located in a motor vehicle (Fig 2E-H), comprising: at least one first system component (i.e. imagers 16a-16n) which collects information about the environment of the system (col 9, line 66 – col 10, line 32; col 11, line 15+); at least one second system component (i.e. analog signal processor 24; A/D and formatter 26; digital image processor 28) which processes at least part of the information collected by the at least one first system component (col 10, lines 28-46); and at least one control unit (i.e. timing controller 22 in conjunction with user controller 32) which controls configuration of at least one of the first system component (i.e. timing controller 22 in

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conjunction with imagers 16a-16n) and the second system component (i.e. timing controller 22 in conjunction with digital signal processor 28) while the system is operating, the least one control unit using information from at least one information-providing system component (i.e. timing controller 22) (col 10, lines 22-46; col 33, lines 15-23).



Regarding claim 19, Savoye et al disclose in Fig 1 the at least one information-providing system component (i.e. timing controller 22) includes at least one of the at least one first system component (i.e. imagers 16a-16n), the at least one second system component (i.e. analog signal

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processor 24; A/D and formatter 26; digital image processor 28), and at least one further system component (i.e. power source 18) (col 9, line 66 – col 10, line 46); and the at least one controlled system component (i.e. timing controller 22) includes at least one of the at least one first system component (i.e. imagers 16a-16n) and the at least one second system component (i.e. analog signal processor 24; A/D and formatter 26; digital image processor 28) (col 10, lines 22-46; col 33, lines 15-23).

Regarding claim 21, Savoye et al disclose the at least one control unit (i.e. timing controller 22) controls information processing speed of at least one system component (col 10, lines 25-27; col 33, line 36 – col 34, line 50).

Regarding claim 22, Savoye et al disclose the at least one control unit (i.e. timing controller 22) controls a clock frequency of at least one system component (Fig 16A-D; col 10, lines 25-27; col 33, line 36 – col 34, line 50).

Regarding claim 23, Savoye et al disclose the at least one control unit (i.e. display 33) monitors an environment of the information system, the environment including at least one of a state of the motor vehicle and a state of the information system (Fig 2E-H; col 11, line 23 – col 13, line 35; col 41, lines 26-36).

Regarding claim 24, Savoye et al disclose the at least one control unit (i.e. timing controller 22) controls at least one system component at least temporarily such that the at least one system component operates in an overload condition (Fig 4A-C; col 15, lines 31-50; col 16, line 22; col 46, lines 43-54).

Regarding claim 25, Savoye et al disclose the at least one first system component (i.e. imager 16a-16n) is an image sensor system (col 9, line 66 – col 10, line 32; col 11, line 15+).

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Regarding claim 27, Savoye et al disclose in Fig 17 the at least one second system component (i.e. digital image processor 28) has at least one hardware component (i.e. center-surround shunt processor, remap processor, image statistics processor, LUT construction processor) that is adapted to be parameterized (Fig 18A-B; col 35, line 26 – col 41, line 25).

4. While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

5. The statements of intended use or field of use (i.e. claim 18 – collects, processes, using; claims 18, 21, 22, 24 – controls; claim 23 – monitors); “adapted to” (i.e. claim 27) clauses are essentially method limitations or statements of intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference.

See MPEP § 2114 which states:

A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim.

Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions.

Apparatus claims cover what a device is not what a device does.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

***Response to Arguments***

6. Applicant's arguments with respect to claims 18, 19, 21-25, and 27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Nguyen whose telephone number is 571-272-3445. The examiner can normally be reached on 8:00 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CN

  
JACK KEITH  
SUPERVISORY PATENT EXAMINER